

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

**BRIAN MARK LEMLEY, JR.,
PATRIK JORDAN MATHEWS, and
WILLIAM GARFIELD BILBROUGH
IV,**

Defendants

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CRIMINAL NO. TDC-20-33

JOINT STATUS REPORT IN LIEU OF INITIAL STATUS CONFERENCE

The United States of America and the defendants, by undersigned counsel, hereby submit this Joint Status Report in Lieu of Initial Status Conference, as permitted by the Court's Scheduling Order (ECF No. 56 at 2-3). In response to the questions set forth in the Scheduling Order, the parties state as follows:

1. Whether Rule 16 discovery is complete and, if not, a proposed deadline for the completion of discovery. Rule 16 discovery is not complete. Discovery in this case is voluminous, involving approximately one month of closed-circuit television recordings and Title III oral bug interceptions; FBI Undercover Employee recordings; the results of search warrants of four physical locations in Maryland and Delaware; recordings of jail calls; search warrants related to at least fifteen email accounts and online messaging platforms; financial records; telephone records; and other records. The Government anticipates concluding the production of discovery on or around April 15, 2020, though that date is subject to certain technological issues already discussed with defense counsel that are beyond the immediate control of the U.S. Attorney's Office.

2. Any pending motions and any proposed changes to the briefing schedule. No substantive motions are currently pending. A Consent Motion to Exclude Time Under Speedy Trial Act and to Delay Scheduling Order was granted by the Court on February 12, 2020 (ECF No. 48). Under the Scheduling Order, “[a]ll pretrial motions, except for motions *in limine*, must be filed by March 31, 2020.” Because this case involves the execution of numerous search warrants and disclosure of voluminous discovery that is still being produced on a rolling basis, the defense will not be prepared to file substantive pretrial motions by March 31, 2020. The parties suggest discussing motions deadlines during the initial status call in approximately 30 days.

3. Whether a hearing is necessary on any pending motion, and, if so, a proposed date for the hearing. Not currently applicable.

4. The status of any negotiations between the parties that might lead to a change of plea, and, if so, a proposed date for the entry of a guilty plea. Given that discovery is still being produced and reviewed, any discussion regarding disposition is premature.

5. The number of days remaining before the case must proceed to trial in order to comply with the Speedy Trial Act, 18 U.S.C. §§ 3161-3174. Pursuant to the Court’s Order (ECF No. 48), the speedy trial period is tolled from January 27, 2020, through “the initial status call in this case,” currently scheduled for March 10, 2020. Seventy days ordinarily would remain after that date. However, as discussed below, the parties will be filing an additional tolling motion.

6. If counsel believe the case will go to trial, an updated estimate as to the length of and possible dates for the trial. Given that discovery is still being produced and reviewed, any discussion regarding a potential trial is premature. To the extent this case goes to trial, the Government anticipates any trial to last approximately two trial weeks.

7. If no motions are pending, a joint motion to exclude time under the Speedy Trial Act until the date of the next status conference with a proposed order. The Government, with the consent of the defendants, will separately file a motion to exclude time under the Speedy Trial Act until the date of the next status conference, with a proposed order.

Thank you very much for your consideration.

Respectfully submitted,

ROBERT K. HUR
United States Attorney

JAMES WYDA
Federal Public Defender

/s/ _____
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/s/ _____
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